

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**NICHOLAS LOMMA, and J.L., a Minor, :  
by ANTHONY LOMMA, Guardian :**

**Plaintiffs, :**

**v. :**

**OHIO NATIONAL LIFE ASSURANCE :  
CORPORATION, and OHIO NATIONAL :  
LIFE INSURANCE COMPANY, :**

**Defendants. :**

**3:16-CV-2396  
(JUDGE MARIANI)**

**ORDER**

**AND NOW, THIS 20th DAY OF JUNE, 2018,** upon consideration of

Plaintiffs' Motion for Summary Judgment (Doc. 29) and Defendants' Motion for Summary

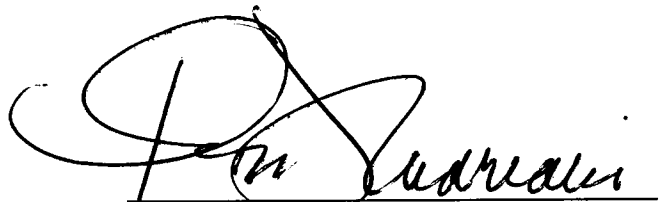
Judgment (Doc. 31), for the reasons set forth in the accompanying memorandum opinion, **IT**

**IS HEREBY ORDERED THAT:**

1. Plaintiffs' Motion for Summary Judgment (Doc. 29) is **GRANTED IN PART** with respect to Plaintiffs' breach of contract claim (Count I of Plaintiffs' Complaint). Judgment is hereby entered **IN FAVOR** of Plaintiffs and **AGAINST** Defendants on Count I.
2. Plaintiffs' Motion for Summary Judgment (Doc. 29) is **DENIED** in all other respects.
3. Defendants' Motion for Summary Judgment (Doc. 31) is **GRANTED IN PART** with respect to Plaintiffs' breach of implied covenant of good faith and fair dealing claim and statutory bad faith claim (Counts IV and V of Plaintiffs' Complaint). Judgment is

hereby entered **IN FAVOR** of Defendants and **AGAINST** Plaintiffs on Counts IV and V.

4. Defendants' Motion for Summary Judgment (Doc. 31) is **DENIED** in all other respects.
5. Plaintiff's Motion to Strike the Answer to Complaint (Doc. 41) is **DISMISSED** as moot.
6. The Clerk of Court is directed to **CLOSE** the above-captioned action.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Judge